

AMENDMENTS

Please amend the claims as follows:

Claims 1-25 (cancelled).

31
Claim 26 (currently amended): An apparatus for applying electrical energy to an enlarged body structure at a target site within or on a patient's body, the apparatus comprising:
an electrosurgical instrument having a shaft with a proximal end portion and a distal end portion and an electrode terminal disposed near the distal end portion of the shaft;
a return electrode, said return electrode forming a portion of the shaft; and
a high frequency power supply coupled to the electrode terminal and the return electrode for applying a voltage difference therebetween, the voltage difference being sufficient to volumetrically remove at least a portion of an enlarged body structure to reduce a size of the enlarged body structure.

Claim 27 (original): The apparatus of claim 26 further comprising a fluid delivery element defining a fluid path in electrical contact with the return electrode and the electrode terminal to generate a current flow path between the return electrode and the electrode terminal.

Claim 28 (original): The apparatus of claim 26 wherein the distal end portion of the shaft is sized for delivery into a paranasal sinus of the patient.

Claim 29 (currently amended): The apparatus of claim 26 wherein the apparatus is adapted to treat tissue is selected from the group consisting of [comprising] swollen tissue, turbinates, polyps, neoplasms, cartilage and swollen mucus membranes lining an inner surface of the nasal cavity.

Claim 30 (original): The apparatus of claim 26 wherein the distal end portion of the shaft has a diameter less than 2 mm.

Claim 31 (original): The apparatus of claim 26 wherein the distal end portion of the shaft has a diameter less than 1 mm.

Claim 32 (currently amended): The apparatus of claim 26 wherein the return electrode has a tubular shape ~~forms a portion of the shaft~~.

Claim 33 (original): The apparatus of claim 26 further including an insulating member positioned between the return electrode and the electrode terminal, the return electrode being sufficiently spaced from the electrode terminal to minimize direct contact between the return electrode and a body structure at the target site when the electrode terminal is positioned in close proximity or in partial contact with the body structure.

B 1
Claim 34 (original): The apparatus of claim 27, wherein the return electrode is a tubular member and the fluid delivery element comprises an axial lumen coupled to the return electrode, the axial lumen forming at least a portion of the fluid path and having an outlet in fluid communication with the electrode terminal.

Claim 35 (original): The apparatus of claim 27 wherein the fluid delivery element comprises a fluid tube extending along an outer surface of the shaft, the tube having an inlet positioned proximal to the return electrode, wherein the return electrode is spaced proximally from the electrode terminal.

Claim 36 (currently amended): The apparatus of claim 27 wherein the fluid delivery element comprises a fluid supply instrument separate from the electrosurgical instrument [probe].

Claim 37 (currently amended): The apparatus of claim 27 wherein the electrode terminal comprises an electrode array disposed near the distal end portion of the shaft, the array including a plurality of electrically isolated electrode terminals disposed over a contact surface.

Claim 38 (currently amended): The apparatus of claim 27 wherein the electrode terminal comprises a single active electrode disposed near the distal end portion of the shaft.

Claim 39 (original):. The apparatus of claim 37 further comprising a plurality of current limiting elements each coupled to one of the electrode terminals for independently controlling current flow to each of the electrode terminals to inhibit power dissipation into the medium surrounding the target site.

B1
Claim 40 (original): The apparatus of claim 26 further comprising a fluid aspiration element for aspirating fluid from the target site.

Claim 41 (original): The apparatus of claim 40 wherein the fluid aspiration element comprises a suction lumen extending through the shaft, the suction lumen having an inlet at a distal tip of the shaft adjacent the electrode terminal.
